

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of:

Federal-State Joint Board on
Universal Service

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CC Docket No. 96-45

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REPLY COMMENTS OF 360° COMMUNICATIONS COMPANY

360° Communications Company (360°), formerly known as Sprint Cellular Company, hereby respectfully submits its reply comments to address a proposal raised in opening comments filed in response to the Commission's Notice of Proposed Rulemaking (NPRM) concerning universal service fund issues, released March 8, 1996 (CC Docket No. 96-45).¹

Several of the opening commenters urged the Commission to expand the list of services that should be included within the core services receiving universal service support² to include equal access to interexchange telecommunications services. 360° does not take a position on whether access to interexchange telecommunications services should be included within the funded services or whether such service meets the criteria of Section 254(c)(1) of the Communications Act of 1934, as amended.³

¹ Federal-State Joint Board on Universal Service, CC Docket No. 96-45 (March 8, 1996) (Notice of Proposed Rulemaking) (NPRM). 360° submitted opening comments in this proceeding on April 12, 1996.

² See NPRM, ¶ 16.

³ See *id.*, ¶ 17.

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360° is concerned, however, that addition of this service, defined as equal access, to the package of funded core services could preclude 360° and other commercial mobile radio service ("CMRS") providers from being eligible telecommunications carriers.

As the *NPRM* points out, in order for a common carrier to be an eligible telecommunications carrier, it must provide all the services that are funded by the universal service fund.⁴ The Commission thus requests comment on the competitive effect of the proposed definition of core services, specifically asking "whether providing universal service support for each proposed service could serve as a barrier to entry by new competitors or favor one technology over another, perhaps more efficient, technology."⁵ In its opening comments, 360° urged the Commission to ensure that its rules permit CMRS providers to be considered "eligible" to provide the services supported by universal service support mechanisms.

The addition of equal access to interexchange telecommunications services as a core service, however, could foreclose opportunities for a number of CMRS providers (and perhaps other carriers as well) to participate in the universal service program as eligible telecommunications carriers. Elsewhere in the Telecommunications Act of 1996, Congress clearly determined that CMRS licensees are not to be required to provide equal access to common carriers for the provision of telephone toll services.⁶

⁴ *Id.*, ¶ 17; see new Section 214(e)(1) of the Communications Act of 1934, as amended.

⁵ *NPRM*, ¶ 17.

⁶ New Section 332(c)(8) of the Communications Act of 1934, as amended.

As a result, some CMRS operators do not provide interexchange equal access as that concept has traditionally been defined. These operators would, if equal access is added as a core service, be precluded from being designated eligible telecommunications carriers. This would run contrary to the Congressional intent reflected in new Section 214 of the Communications Act of 1934, as amended. This conflict, however, could be readily resolved if, instead of equal access, the Commission added the "ability to access interexchange services" as a core service.

Thus, to the extent that the Commission decides to add accessibility to interexchange services to the list of core services to be funded by the universal service fund, 360° urges the Commission to specify the service as access to interexchange services, defined in a way that does not preclude CMRS providers from being eligible telecommunications providers. This will best balance the considerations before the

Commission in seeking to implement this aspect of the universal service fund provisions of the Telecommunications Act of 1996.

Respectfully submitted,

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May 7, 1996

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 1996, I caused copies of the foregoing "Reply Comments of 360" Communications Company" to be mailed via first-class postage prepaid mail to the following:

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